HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5822 of 2004

Dated:21.09.2006

Between:

M.Nageswara Rao and others.

…Petitioners

and

Mandal Revenue Officer and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5822 of 2004

ORDER:

The six petitioners are residents of Stuvartpuram, which is an erstwhile criminal tribal colony in Guntur District. Salvation Army got assignment of the land from the Government and distributed an extent of Acs.160.00 of land to the petitioners and others. The petitioners allege that all the persons in Stuvartpuram were given possession as a group for the purpose of cultivation to eke out livelihood. It appears respondents 2 to 5 tried to interfere with the possession of the petitioners alleging that they were granted D-Form pattas by the Mandal Revenue Officer. This is denied by the petitioners. Some of the persons filed O.S.No.96 of 2002 on the file of the Court of the I Additional Junior Civil Judge, Bapatla, seeking perpetual injunction against those trespassers. The said suit was decreed by judgment dated 27.01.2004 against M/s.Chinna Pothula Sivaram and Kareddula Bhudevi. The petitioners, who claim to be the legal heirs of original allottees again approached this Court seeking a writ of mandamus declaring the action of the first respondent in issuing D-Form pattas in favour of respondents 2 to 5 as illegal and arbitrary, though

they have not annexed the copies of the pattas.

Be that as it is, this Court while admitting the Writ Petition ordered *status quo* on 21.06.2004. The Mandal Revenue Officer has now come forward with W.V.M.P.No.275 of 2006. The matter itself is heard finally and is being disposed of at interlocutory stage.

The allegation of the petitioners that pattas were granted to respondents 2 to 5 has not been denied. The copies of the pattas granted to the contesting respondents as well as others have been annexed to the counter affidavit. It is further alleged that a detailed survey was conducted and after due subdivision, D-Form pattas were granted to respondents 2 to 5, who were enjoying the land. It is also pointed out that against the orders granting pattas, the petitioners have a right of appeal under relevant Board Standing Orders.

Respondents 2 to 5 are represented by a Counsel, but no counter affidavit is filed. The learned Counsel submits that pursuant to the pattas granted to them, respondents 2 to 5 are in possession of the land. He also opposed the Writ Petition on the ground that the petitioners have an effective alternative remedy.

A perusal of the counter affidavit filed by the Mandal Revenue Officer would show that there is a dispute regarding the land taken over from Salvation Army and the land earmarked and allotted to the families of Stuvartpuram. Whether Acs.160.00 of land in Survey Nos.859, 991 etc., was allotted or whether Acs.124.95 cents of land is allotted to them, is a matter for verification with reference to the records maintained by the Mandal Revenue Officer. Secondly, under para 15 of Board Standing Order 15 from every original decision in darkhast cases whether it is passed by the Tahsildar, the Divisional Officer, or the Collector, one appeal shall be allowed within thirty days from the date of original decision. It is the allegation of the petitioners that when respondents 2 to 5 tried to interfere with the possession, on being asked, they did not produce the copies of the D-Form pattas. These D-Form pattas have seen the light of the day when they are produced before this Court. Therefore, the appeal, if any, filed by the petitioners even now cannot be rejected on the ground of limitation.

Liberty is given to the petitioners to file appeals against the D-Form pattas granted to respondents 2 to 5 before the Revenue Divisional Officer, Tenali, within a period of two weeks from the date of receipt of a copy of this order. As and when such appeals are filed, the Revenue Divisional Officer shall, if necessary, conduct personal

inspection by going to the lands and pass appropriate orders in accordance with law, after giving notices to respondents 2 to 5. This Court while admitting the Writ Petition ordered *status quo* in W.P.M.P.No.7566 of 2004 dated 21.06.2004. The same *status quo* shall continue till the matters are disposed of by the Revenue Divisional Officer.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

21.09.2006

Note: Issue C.C by 25.09.2006.

B/o.

vs